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DIVISION

DEF & REF

Room 307



MS 16

PATENT

0104-0390P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: ALBREKTSSON, Tomas et al. Conf.: 1436
Appl. No.: 10/089,864 Group: 3738
Filed: April 5, 2002 Examiner: BRUCE E. SNOW
For: IMPLANT
Patent No.: Issued:
Control No.:
ATTN: REFUND SECTION
ACCOUNTING DIVISION
OFFICE OF FINANCE

REQUEST FOR REFUND
(Improper Charge of Deposit Account)

MS 16

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

June 1, 2004

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account
02-2448 shown on the statement for the month of December 2003 for the above-
identified

☒ application ☐ patent

☒ A copy of the monthly statement in which the error referred to occurs,
accompanies this request.

Adjustment date: 06/30/2004 EEKUBAY1
12/05/2003 DBRDOKS 00000001-022448 10089864
01 FC:1851 110.00 CR

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DIVISION Docket No. 0104-0390P

II. FEES CHARGED FOR WHICH REFUND REQUESTED

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AMOUNT OF
REFUND
REQUESTED

<input type="checkbox"/> filing fee	_____
<input type="checkbox"/> surcharge for filing the basic filing on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
and/or	
<input type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
<input checked="" type="checkbox"/> extension of term	
<input checked="" type="checkbox"/> first month	<u>110.00</u>
<input type="checkbox"/> second month	_____
<input type="checkbox"/> third month	_____
<input type="checkbox"/> fourth month	_____
<input type="checkbox"/> excess claims	_____
<input type="checkbox"/> issue fee	_____
<input type="checkbox"/> petition fee	_____
<input type="checkbox"/> patent maintenance fee	
<input type="checkbox"/> first maintenance fee	_____
<input type="checkbox"/> second maintenance fee	_____
<input type="checkbox"/> third maintenance fee	_____
<input type="checkbox"/> patent maintenance fee surcharge	_____
<input type="checkbox"/> Other: _____	_____
_____	_____
TOTAL REFUND REQUESTED	<u>\$110.00</u>

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

The U.S. Patent and Trademark Office issued a Notice of Non-Compliant Amendment on October 31, 2003, setting forth a one (1) month period for response, i.e., until Sunday, November 30, 2003. A Reply to Notice of Non-Compliant Amendment was filed on Monday, December 1, 2003.

According to 37 CFR 1.7(a), "When the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or on a Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding business day which is not a Saturday, Sunday, or a Federal holiday."

Accordingly, because the initial period for response expired on a Sunday, the Reply was timely filed on the following Monday, within the initial period for response. No extension of time should therefore have been necessary for entry of the Reply.

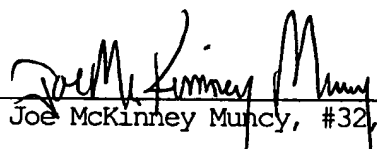
IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Joe McKinney Muncy, #32,334

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

KM/asc
0104-0390P

Attachment(s)

(Rev. 02/18/2004)

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Deposit Account Statement

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x

x

Deposit Account Statement

Requested Statement Month: Dec-03
 Deposit Account Number: 22448
 Name: BIRCH STEWART KOLASCH & BIRCH
 Attention:
 Address: 8110 GATEHOUSE ROAD
 City: FALLS CHURCH
 State: VA
 Zip: 22042

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT
1-Dec	1	10450093		9204	(\$140
1-Dec	1	99880420283-0161P		1253	\$82
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15-Dec 318 78340311L8743-01003T 7001 \$1.00

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16-Dec 2 95865962936-0122P 1201 \$16

16-Dec 7 96398042091-0215P 1251 \$11

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16-Dec 151 96645581321-0164P 1504 \$30

16-Dec 195 13637016601710929P 8014 \$2

16-Dec 196 13637016601710929P 8023 \$4

16-Dec 1109 2072073 7205 \$10

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17-Dec 26 9899093 9204 (\$138)

17-Dec 64 76097517 6005 \$20

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17-Dec 243 783415824719-0101T 7001 \$1.34

18-Dec 9 106673753449-0273P 1201 \$8

18-Dec 31 10735827 9204 (\$290)

18-Dec 37E-REPLENISHMENT 9203(\$10.00)

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START	SUM OF	SUM OF	END
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\$20,356.13	\$43,215.00	\$41,270.00	\$18,41

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